

1 State of New Hampshire Banking Department

2 In re the Matter of:)Case No.: 08-241
)
 3 State of New Hampshire Banking)
)
 4 Department,)
)
 5 Petitioner,)Consent Order
)
 6 and)
)
 7 Nationwide Biweekly Administration, Inc,)
)
 8 Respondent)
)

9 CONSENT ORDER

10 The State of New Hampshire Banking Department (the "Department") finds and
11 Orders as follows:

12 Respondent

- 13 1. Nationwide Biweekly Administration, Inc ("Nationwide") is a
 14 corporation duly formed in the State of Ohio on June 10, 2002 with its
 15 principal office location in Xenia, Ohio. Nationwide registered with
 16 the New Hampshire Secretary of State on January 28, 2005.
- 17 2. In New Hampshire, Nationwide had not been previously licensed as a
 18 Money Transmitter by the Department. Nationwide's Money Transmitter
 19 license with the Department is pending execution of this Consent Order
 20 regarding unlicensed money transmitter activity.

21 Jurisdiction

- 22 3. The Department is authorized to regulate money transmitters pursuant
 23 to RSA Chapter 399-G. RSA 399-G:2 and RSA 399-G:5.
- 24 4. The Commissioner has jurisdiction to issue orders to show cause and to
 25 cease and desist from violations under RSA Chapter 399-G and to

1 revoke, deny, or suspend a registration of a registrant and/or assess
2 penalties pursuant to RSA Chapter 399-G. RSA 399-G:18, RSA 399-G:19
3 and RSA 399-G:21.

4 **Facts**

5 5. From August 18, 2006, Nationwide has conducted money transmitter
6 activity for New Hampshire consumers without a valid Money Transmitter
7 license issued by the Department.

8 6. From August 18, 2006, Nationwide conducted unlicensed money
9 transmitter activity.

10 7. Nationwide has also failed to ensure its advertisements comply with
11 RSA 384:67; it now complies with RSA 384:67.

12 8. Nationwide has cooperated and provided the information to show it did
13 conduct business in New Hampshire prior to obtaining a Money
14 Transmitter License from the Department.

15 **Violation(s) of Law and Penalties**

16 9. Nationwide is a "Person" as defined by RSA 399-G:1,X.

17 10. Nationwide may be assessed an administrative fine not to exceed
18 \$2,500.00 for each violation of RSA Chapter 399-G. RSA 399-G:21,IV and
19 V.

20 **Respondent's Consent**

21 11. Nationwide does not deny the facts, statements, or violations
22 contained herein and Nationwide hereby agrees to the entry of this
23 Consent Order.

24 12. Nationwide has voluntarily entered into this Consent Order without
25 reliance upon any discussions between the Department and Nationwide,

1 without promise of a benefit of any kind (other than concessions
2 contained in this Consent Order), and without threats, force,
3 intimidation, or coercion of any kind. Nationwide further acknowledges
4 its understanding of the nature of the allegations set forth in this
5 action, including the potential penalties provided by law.

6 13. Nationwide hereby acknowledges, understands, and agrees that there is
7 the right to notice, hearing, and/or a civil action and hereby waives
8 said rights.

9 **Order**

10 14. **Whereas pursuant to RSA 399-G:20,VI** finding this Consent Order
11 necessary, appropriate and in the public interest and consistent with
12 the intent and purposes of New Hampshire banking laws, the Department
13 Orders as follows:

14 a. Nationwide shall pay to the Department \$35,000.00 in
15 administrative penalties for unlicensed activity from 2006
16 through 2011, payable contemporaneously with Nationwide's
17 signing of this Consent Order;

18 b. The check shall be bank check or guaranteed funds and made
19 payable to "State of New Hampshire"; and

20 c. Nationwide shall ensure its advertisements comply with RSA
21 384:67.

22 15. This Consent Order may be revoked and the Department may pursue any
23 and all remedies available under law, if the Department later finds
24 that Nationwide knowingly or willfully withheld information used and
25 relied upon in this Consent Order.

1 16. This Consent Order is binding on all heirs, assigns, and/or successors
2 in interest.

3 17. This Consent Order shall become effective upon the date the
4 Commissioner signs this Consent Order.

5 18. Once this Consent Order is effective, the Department agrees not to
6 seek further reimbursement, refunds, penalties, fines, costs, or fees
7 regarding the facts, allegations, or findings of violations contained
8 herein.

9 **WHEREFORE**, based on the foregoing, we have set our hands to this Consent
10 Order, upon its execution by Ronald A. Wilbur, Bank Commissioner.

11 Recommended this 7th day of October, 2011 by

12 _____
/s/

13 Maryam Torben Desfosses, Hearings Examiner, Banking Department

14 Executed this 18th day of October, 2011 by

15 _____
/s/

16 Daniel Scott Lipsky, Owner and President and on behalf of Nationwide
17 Biweekly Administration, Inc

18 **SO ORDERED.**

19 _____
/s/

20 Ronald A. Wilbur,
21 Bank Commissioner

Dated: October 21, 2011